

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

MACA.No. 1296 of 2005(C)

OPMV.558/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI
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APPELLANTS/PETITIONERS:

- 1. NALINI, AGED 36 YEARS,
W/O. RAJAGOPALAN @ MANU (LATE), CHITHRA NIVAS,
P.O. PORUR, VANIYAMBALAM, MALAPPURAM DIST.**
- 2. ASWATHI, AGED 16 YEARS,
D/O. RAJAGOPALAN.**
- 3. RAJESH, AGED 14 YEARS,
S/O. RAJAGOPALAN, MINOR APPELLANTS 2 AND 3
REPRESENTED BY GUARDIAN MOTHER (1ST APPELLANT).**

**BY ADV. SRI.P.SAMSUDIN
SRI.P.BABU KARTHIKEYAN.**

RESPONDENTS: 3RD RESPONDENT:

**UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE, MANJERI.**

**BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 1296 OF 2005

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Dated this the 19th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Manjeri in O.P.(MV) 558/00. The claimants are the widow and children of the deceased Rajagopalan who died in a road accident in 1999. The Tribunal awarded a total compensation of Rs.1,15,000/- and it is against that decision the present appeal is preferred. The Insurance Company has also entered appearance.

2. Heard both sides. A perusal of the award would reveal that the Tribunal has lost sight of the principles to be followed in awarding compensation in a death case. The deceased was aged 38 years and even if Rs.2,000/- is taken as the monthly income, the annual income would come to Rs.24,000/- and after deducting 1/3 for personal expenses, total annual dependency would come to Rs.16,000/-. The proper multiplier to be used is 16 and therefore the total loss of dependency would be Rs.2,56,000/-.

The Tribunal has awarded only Rs.1,02,000/- under that head. Therefore, we award an additional compensation of Rs.1,54,000/- under that head. Though the wife was only aged 31 years and the children were aged 11 and 9 years respectively, no amount is seen awarded towards love and affection and consortium. This is a fit case where it can be awarded Rs.10,000/- each under those heads. Therefore, the claimants are entitled to an additional compensation of Rs.1,74,000/-.

In the result, the M.A.C.A. is partly allowed and the claimants are awarded an additional compensation of Rs.1,74,000/- with 6% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

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